Case 06-11459 (Official Form 1) (10/05) Entered 09/13/06 15:34:52 Desc Main Page 1 of 7 Doc 1 Filed 09/13/06

FORM B1 U1		Voluntary Petition					
Name of Debtor (if individual, enter Las Gilbert, Richard R.	Name of Joint Debtor ( Gilbert, Sandra J	(Spouse) (Last, First,	Middle):				
All Other Names used by the Debtor in t (include married, maiden, and trade names):  Rick Gilbert	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):  Sandy Gilbert						
Last four digits of Soc. Sec. No./Comple one, state all): 5208	Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): 3170						
Street Address of Debtor (No. & Street, City, State & Zip Code):  2300 Burlington Downers Grove, IL			Street Address of Joint Debtor (No. & Street, City, State & Zip Code):  2720 S. Highland # 406 Lombard, IL				
		ZIPCODE <b>60515</b>				ZIPCODE 60148	
County of Residence or of the Principal DuPage	Place of Business:		County of Residence of <b>DuPage</b>	or of the Principal Plac	ce of Business:		
Mailing Address of Debtor (if different f	rom street address)		Mailing Address of Joi	int Debtor (if differen	t from street address	s):	
		ZIPCODE				ZIPCODE	
Location of Principal Assets of Business	Debtor (if different fro	om street address abo	ove):				
						ZIPCODE	
Type of Debtor (Form of Organization) (Check one box.)	Nature of a (Check all appli			pter of Bankruptcy the Petition is Filed			
☐ Individual (includes Joint Debtors) ☐ Corporation (includes LLC and LLP) ☐ Partnership ☐ Other (If debtor is not one of the above entities, check this box and	ness Estate as defined 1(51B)	☐ Chapter 7 ☐ Chapter 11 ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding ☐ Chapter 13 ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding					
above entities, check this box and provide the information requested below.)  State type of entity:  Stockbroker  Commodity Broker  Clearing Bank  Nonrefit Organization qualified			Nature of Debts (Check one box)  ☐ Consumer/Non-Business ✓ Business				
under 15 U.S.C. § 501(c)(3)							
Filing Fee (C)  Full Filing Fee attached  Filing Fee to be paid in installments (A attach signed application for the court is unable to pay fee except in installments (A)  3A.  Filing Fee waiver requested (Applicate attach signed application for the court	Chapter 11 Debtors:  Check one box:  Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).  Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).  Check if:  Debtor's aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less than \$2 million.						
Statistical/Administrative Information	1			THIS	SPACE IS FOR COURT	USE ONLY	
Debtor estimates that funds will be available for distribution to unsecured creditors.  Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.							
Estimated Number of Creditors  1- 50- 100- 200-	1,000- 5,001-	10,001- 25,00	1- 50,001- Ove	er			
49 99 199 999 <b>1</b>	5,000 10,000	25,000 50,00	,	000			
Estimated Assets \$0 to \$50,001 to \$100,001 to \$50,000 \$100,000 \$500,000	\$1 million \$10 r	0,001 to \$10,000,001 million \$50 million		nillion			
Estimated Debts		0,001 to \$10,000,001 million \$50 million					

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Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing

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Desc Main

FORM B1, Page 2

of the petition.

Case 06-11459

# Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

Gilbert, Richard R. & Gilbert, Sandra J.

### Signatures

### Signature(s) of Debtor(s) (Individual/Joint)

Doc 1

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United State Code, understand the relief available under each such chapter, and choose to proceed under

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by § 342(b) of the Bankruptcy Code.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Richard R. Gilbert

Signature of Debtor

Richard R. Gilbert

X /s/ Sandra J. Gilbert Signature of Joint Debtor

Sandra J. Gilbert

Telephone Number (If not represented by attorney)

September 13, 2006

### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign main proceeding, and that I am authorized to file this petition. A certified copy of the order granting recognition is attached.

(Check one box only)

- ☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by § 1515 of title 11 are attached.
- Pursuant to § 1511 of title 11, United States Code, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Х

Signature of Foreign Representative

Χ

Printed Name of Foreign Representative

### Signature of Attorney

# X /s/ Lincoln M. King

Signature of Attorney for Debtor(s)

### Lincoln M. King 6280369

Printed Name of Attorney for Debtor(s)

### Ruddy, Milroy & King

Firm Name

### 1700 N. Farnsworth Ave., Suite 12

Aurora, IL 60505

### (630) 820-0333

Telephone Number

### September 13, 2006

Date

### Signature of Non-Attorney Petition Preparer

I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Authorized Individual Printed Name of Authorized Individual Title of Authorized Individual Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

# NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

# 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days <u>before</u> the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

# <u>Chapter 7</u>: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in instalments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them,

using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

### Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

### Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

## Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Printed Name and title, if any, of Bankruptcy Petition Preparer Address:	Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer,
X	principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Signature of Bankruptcy Petition Preparer of officer, principal, responsible person, or partner whose Social Security number is provided above.	_

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Gilbert, Richard R. & Gilbert, Sandra J.	X /s/ Richard R. Gilbert	9/13/2006
Printed Name(s) of Debtor(s)	Signature of Debtor	Date
Case No. (if known)	X ∕s/ Sandra J. Gilbert	9/13/2006
	Signature of Joint Debtor (if any)	Date

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Document Page 6 of 7 United States Bankruptcy Court

**Northern District of Illinois** 

IN	<b>RE:</b> Case No	
Gi	bert, Richard R. & Gilbert, Sandra J. Chapter 13	
	Debtor(s)	
	DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR	
1.	Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me w one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemple of or in connection with the bankruptcy case is as follows:	
	For legal services, I have agreed to accept	1.00
	Prior to the filing of this statement I have received	1.00
	Balance Due	0.00
2.	The source of the compensation paid to me was: Debtor Other (specify):	
3.	The source of compensation to be paid to me is:  Debtor Other (specify):	
4.	I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.	
	I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreent ogether with a list of the names of the people sharing in the compensation, is attached.	nent
5.	In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:	
	<ul> <li>a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;</li> <li>b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;</li> <li>c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;</li> <li>d. Representation of the debtor in adversary proceedings and other contested bankruptey matters;</li> <li>e. [Other provisions as needed]</li> <li>Hourly rates for adversary proceedings</li> </ul>	
6.	By agreement with the debtor(s), the above disclosed fee does not include the following services:  Hourly rates for adversary proceedings	
	CERTIFICATION	
I	certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy	
	roceeding.	

/s/ Lincoln M. King

Ruddy, Milroy & King

Signature of Attorney

Name of Law Firm

September 13, 2006

Date

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IN RE Gilbert, Richard R. & Gilbert, Sandra J.

Case No.

Debtor(s)

## SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, indicate that by stating "a minor child." and do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "HWJC."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER. (See instructions above.)	C O D E B T O R	H W J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL  UNSECURED PORTION, IF ANY
Account No. 1000608738		J	Mortgage at 5S231 Francisco Ave., Downers				
American Home Mortgage P.O. Box 631730 Irving, TX 75063-1730			Grove, IL 60515				267,638.86
			Value \$ <b>349,000.00</b>				
Account No.		J	Interest in non-Debtor funds from proceeds				
George And Marcia Stevens Vedder, Price, Kaufman And Kammholz, P.C 222 North LaSalle Street, Suite 2600 Chicago, IL 60601-1003			of business assets held in escrow by Wildman, Harrold				71,000.00
			Value \$ 25,000.00				46,000.00
Account No.		J	Second mortgage at 5S231 Francisco Ave.,				
Michael Gilbert 4617 Highland Downers Grove, IL 60515			Downers Grove, IL 60515				19,000.00
			Value \$ <b>349,000.00</b>	1			
Account No. <b>05 L 011439</b>		J	2005; business lease deficiency; judgment				
Trizechahn Regional Pooling, L.L.C. C/O Freeborn & Peters 311 South Wacker Drive, Suite 3000			lien on Debtors' residence				137,961.53
Chicago, IL 60606			Value \$ 349,000.00	1			75,600.39
0 continuation sheets attached	·	•	(Total o		Subt is pa		495,600.39
(Use only on last page of the completed Schedule D) TOTAL					495,600.39		
				-			n Summary of Schedules)

(Report total also on Summary of Schedules)

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